



Diebold Election Systems, Inc.
1611 Wilmeth Road
McKinney, TX 75069
972 542-6000
fax 972 542-6044
www.dieboldes.com

April 14, 2004

Mr. John Mott-Smith
California Secretary of State
Chief, Elections Division
1500 11th Street
Sacramento, California 95814

Dear John:

Diebold Election Systems, Inc. (DESI) is writing to you to amend its "Report on Counties Utilizing the AccuVote-TS and AccuVote-TSx Touchscreen Voting Systems Used On March 2, 2004" which was previously submitted to your office on March 10th.

The reason for this amendment is the discovery of a small number of AccuVote-TSx touchscreen units in the counties which did not receive the upgrade to the state certified 4.4.3.27-Cal firmware. The affected units were running firmware version 4.4.3.27, the version that was pre-loaded on the touchscreen units. These units with an older version of firmware were found during the canvassing period.

After your office certified the 4.4.3.27-Cal on February 11th, all of the units should have been upgraded to this version. However, the procedures and process to upgrade the Touchscreen units varied at each county.

The result of using the older 4.4.3.27 version created no issues with lost votes. However there were changes to the Cross-Over Party reporting. These votes were corrected before they were sent to your office as part of the official statement of vote.

Below is a chart that illustrates our findings:

<u>County</u>	<u>Number of TSx Units Affected</u>	<u>Total number of TSx units</u>	<u>Number of Votes Affected</u>
Kern	5	1,350	45
San Diego	24	10,200	412
San Joaquin	3	1,625	40
Solano	2	1,171	39

When the issue was discovered, DESI and each county used the following process of steps to correct the problems associated with the older firmware.

Post-Election Crossover Party Mitigation Process

The following is the process of steps involved in identifying, correcting and recording the discrepancies between and within the major party candidate (e.g., shadow) races for President with respect to breaking down those party results into declared and declined to state “buckets.” The two parties involved are American Independent and Democrat (i.e., Declared, Declined to State).

Step	Description
1. Identify District where Discrepancy Occurred	Involves printing out a Polling - Only Election Summary Report and selecting and printing each district (e.g., Assembly) separately. Analyze the reports by comparing the totals for the AIP and DEM President races separately with the totals from AIP and DEM declared and declined to determine which district the machine(s) with the discrepancy occurs.
2. Identify Precinct where Machine is Located	Once the district is identified, print out a Statement of Votes Cast Report with only the precinct polling totals for that particular district. Analyze the reports by comparing the totals for the AIP and DEM President races separately with the totals from AIP and DEM declared and declined to determine which precinct the machine(s) with the discrepancy occurs.
3. Identify Machine within Precinct	Involves researching and locating in the GEMS application in the viewing ballots location the correct machine. Once the machine is identified and located in GEMS, the ballots are printed out for that machine.
4. Locate AVTSx Machine	The AVTSx machine will be located and turned on to determine the version of the ballot station used for the election. For California, the version is 4.4.3.27-Cal. The machine will be turned on to determine if the AVTSx unit does not have the 4.4.3.27-Cal version on the unit.
5. Manual Enter Declared and Declined AIP and DEM in GEMS	Involves manually entering the declared and declined AIP and DEM vote information in GEMS for the AIP and DEM President races to correct the discrepancy for AIP and DEM declared and declined Presidential races.
6. Print Revised Election Summary Report	Print out a revised Election Summary Report to compare the previous results with the results that occurred from the manual entry process.

If you would like additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Urosevich". The signature is fluid and cursive, with the first name "Robert" being more prominent than the last name "Urosevich".

Robert J. Urosevich

Cc: Dawn Melhaff, Deputy Chief, Elections